



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Michael D. Jenkins
Serial Number : 09/858,082
Filing Date : May 15, 2001
For : Personal Communicator
Examiner/Art Unit : Temica M. Davis/2681

Commissioner for Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

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Technology Center 2600

Sir:

This Amendment is in response to the Notice of Non-Compliant Amendment
mailed June 30, 2004.

Respectfully submitted,

JAMES J. RALABATE
Reg. No. 19,211
Attorney for Applicant
5792 Main Street
Williamsville, NY 14221
(716) 634-2280

Date Mailed: July 13, 2004
Certificate of Express Mail attached.



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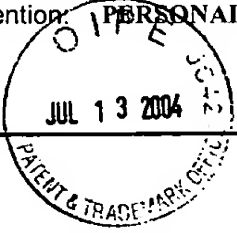

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This is in response to the Office Action mailed May 10, 2004. Please make the following amendments:

7-14-04 (2)

2681

AMENDMENT TRANSMITTAL LETTER (Small Entity)				Docket No. X0105A	
Applicant(s): XYBERNAUT CORPORATION					
Application No. 09/858,082	Filing Date 5/15/01	Examiner TEMICA M. DAVIS	Customer No.	Group Art Unit 2681	Confirmation No.
Invention: PERSONAL COMMUNICATOR					
			RECEIVED JUL 19 2004 Technology Center 2600		
COMMISSIONER FOR PATENTS:					
Transmitted herewith is an amendment in the above-identified application.					
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	-	20 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	-	3 =	0 x	\$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 18-0080 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 Signature			Dated: JULY 13, 2004		
JAMES J. RALABATE REG. NO. 19,211 5792 MAIN STREET WILLIAMSVILLE, NY 14221 (716) 634-2280			I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.		
CC:			Signature of Person Mailing Correspondence		
			Typed or Printed Name of Person Mailing Correspondence		

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): XYBERNAUT CORPORATION

Docket No.

X0105A

Application No.

09/858,082

Filing Date

5/15/01

Examiner

TEMICA M. DAVIS

Customer No.

Group Art Unit

2681

Invention: PERSONAL COMMUNICATOR

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I hereby certify that the following correspondence:

AMENDMENT IN RESPONSE TO THE NOTICE OF NON-COMPLIANT AMENDMENT

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

JULY 13, 2004*(Date)*JAMES J. RALABATE*(Typed or Printed Name of Person Mailing Correspondence)*James J. Ralabate*(Signature of Person Mailing Correspondence)*EV 394762537 US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**